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FACSIMILE TRANSMISSION

DATE : October 17, 2007
TO : USPTO Refund Department
FAX NO. : (571) 273-6500
FROM : Ostrager Chong Flaherty & Broitman P.C.
Re : Deposit account no. 503195 refund request

NUMBER OF PAGES (INCL. THIS SHEET): 3. IF YOU DID NOT RECEIVE ALL PAGES OF THE INTENDED TRANSMISSION, PLEASE CALL THE SENDER AT (212) 681-0600.

MESSAGE: Our above referenced deposit account was charged \$790.00 in error. Attached you will find a "Notice of Abandonment" which states the error that was made by the USPTO. The USPTO mistakenly referred our submission as an RCE. We are requesting the \$790.00 be refunded back into our deposit account.

Thank you,

OCF&B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Assistant Commissioner for Patents
P.O. Box 1479
Alexandria, Virginia 22313-1479
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/645,096 | 08/25/2000 | Jeffrey J. Gold | 200223 | 6089 |
| 44702 | 7350 | 08/15/2006 | EXAMINER | |
| OSTRAGER CHONG FLAHERTY & BROITMAN PC 250 PARK AVENUE, SUITE 825 NEW YORK, NY 10177 | | | STEVENS, THOMAS H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2123 | |

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

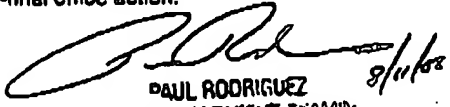
| | | | |
|------------------------------|-------------------|------------------|--|
| Notice of Abandonment | Application No. | Applicant(s) | |
| | 09/845,898 | GOLD, JEFFREY J. | |
| | Examiner | Art Unit | |
| | Thomas H. Stevens | 2123 | |

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☒ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(e)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

The express abandonment was received on 5/26/06. A continuation in part was submitted on 5/11/06 which the Office mistakenly entered as a request for continued examination which initiated a non-final office action dated 8/7/06. In light of the express abandonment, the Office retracts the 8/7/06 non-final office action.


PAUL RODRIGUEZ 8/11/06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of an abandonment under 37 CFR 1.137(b), must be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 8/10/06

United States Patent and Trademark Office
- Sales Receipt -

~~05/26/2006 RBROWN1 00000001 503195 09645896~~

~~01 FC:1801 790.00 DA~~

Adjustment date: 11/07/2007 SFELEKE1
05/26/2006 RBROWN1 00000001 503195 09645896
01 FC:1801 790.00 CR